HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: the 26th day of May 2005

Bail Application No. 348 of 2005

Order on the bail application of the accused.

CRIMINAL SIDE

Narendra Singh Koranga
S/o Jagat Singh
R/o Bindukhatta No. 9, Lalkuwa
Police Station – Lalkuwa
District- Nainital .....Applicants (in Jail)

Versus

State of Uttaranchal .....Opposite Party

In case crime No. 398 of 2004
Under Sections 307, 386, 507 I.P.C.
Police Station- Gadarpur
District –Udham Singh Nagar.

BY THE COURT

Hon'ble J.C.S. Rawat, J.

Heard Sri Mandal learned counsel for the applicant and learned AGA for the State.

Perused the record. The accused-applicant has been challenged u/s 307, 386 and 506 I.P.C. It is alleged in the F.I.R. the Narendra Singh and Govind Singh came at the residence of Sri Hari Singh and enquired about him from his mother and his wife. When they told them that Hari Singh is not at home both of them have said that they have been sent by Sri Mohan Singh Paliwal and they had to take Rs. 5,000/- from Hari Singh. Both Narendra Singh and Govind Singh tried to enter into the house but mother and wife of Sri Hari Singh objected them and they came in their way. Narendra Singh and Govind Singh said that they required Rs. 5,000/- otherwise they will kill Hari Singh. On that ladies of the village assembled there Narendra Singh took out his country made pistol and threatened that he will kill them. Menwhile, the country made pistol was fired and it hit Govind Singh who fell down at the spot.

The prosecution has filed counter affidavit. In para 5 and 10 of the counter affidavit, they tried to explain that the statement of Ramwati and Beduni Devi was recorded in which they have stated that accused tried to fire shot at the village women including Ramwati and Beduni Devi with a intention to kill but due to scuffle fire hit co-accused Govind Singh. In the instant case, chargesheet has already been submitted on 18.02.2005 about after five months when the Investigating Officer was summoned before the Court as well as the S.S.P. was asked to make the position clear. The said statement claimed to have been recoded in another case with was lodged by father of Govind Singh. Apart fro this, I.O. recorded the statement of Ramwati and Beduni Devi, the statement recorded under Section 161 Cr.P.C. in the instant case. The statement of these ladies recorded under Section 161 Cr. P.C. in the instant case does not contained the applicant tried to fire at them with a intention to kill them.

Considering the facts and circumstances of the case in totality, it is a fit case for bail at this stage.

Let the applicant-accused be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated: 26.05.2005

S.K.S.